

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/524,210  
Confirmation No.: 3837  
Applicant: Beer, M. *et al.*  
Int'l File Date: August 12, 2003  
Group Art Unit: 1633  
Examiner: Marvich, M.  
For: Replicons of Pestviruses that do not Express C and or E1 Protein  
and Infectious Viral Particles Containing Same that can be Used in  
Vaccines  
Attorney Docket: I-2002.014 US

November 17, 2006

**INFORMATION DISCLOSURE STATEMENT AND TRANSMITTAL**  
**OF FEE PURSUANT TO 37 CFR 1.97(c)**

**Mail Stop: Amendment**  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

To comply with 37 CFR §§1.97 and 1.98, Applicants submit the enclosed combined Form PTO/SB/08A and PTO/SB/08B, and copies of the cited information (to the extent required by the Patent Office).

In accordance with MPEP §§609 and 707.05(b), Applicants request that the enclosed statement be given thorough consideration, and that the Examiner make the cited information of record by initialing the statement next to each citation. Applicants request such initialing even if

the Examiner does not consider: (1) the cited information to be sufficiently pertinent to use in a rejection, or (2) the guidelines for a citation to have been fully satisfied. Applicants make this request so that the information will be cited on the face of a patent issuing from this patent application.

Applicants submit this statement in accordance with the duty to disclose information material to patentability under 37 CFR §1.56. Applicants, however, are not admitting that the information is necessarily relevant or prior art. In addition, Applicants are not representing that the cited information represents the results from a complete search. Applicants anticipate that the Examiner, in the normal course of examination, will make an independent search consistent with 37 CFR §1.104, and, in the course of such search, will review for relevance the cited information, even if not initialed.

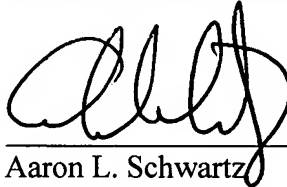
Per the Patent Office's rules, Applicants have not enclosed any of the cited published U.S. patent references. Applicants, however, are happy to provide copies of any such references upon request from the Examiner.

This statement is being submitted (1) more than 3 months after the filing date of this application, (2) after the issuance of a substantive office action, and (3) before the issuance of a final official action or notice of allowance. The Commissioner is hereby authorized to charge the fee under 37 C.F.R. §1.17(p) to Deposit Account No. **02-2334**. Applicants do not believe that they owe any additional fee in connection with this filing. If, however, Applicants do owe any such fee(s), the Commissioner is hereby authorized to charge the fee(s) to Deposit Account No. **02-2334**. In addition, if there is ever any other fee deficiency or overpayment under 37 C.F.R. §1.16 or 1.17 in connection with this patent application, the Commissioner is hereby authorized to charge such deficiency or overpayment to Deposit Account No. **02-2334**.

Appl. No: 10/524,210  
Information Disclosure Statement  
Attorney Docket No: I-2002.014 US  
November 17, 2006

Applicants submit that this patent application is in condition for allowance, and request that it be allowed. The Examiner is requested to call the Undersigned if any issues arise that can be addressed over the phone to expedite examination of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'ALS', written over a horizontal line.

Aaron L. Schwartz  
Reg. No. 48,181  
Patent Counsel

Patent Department  
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ALS:dap

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Substitute for form 1449/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

*(Use as many sheets as necessary)*

Sheet	1	of	1
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**Complete if Known**

Application Number	10/524,210
Filing Date	August 12, 2003 (Int'l date)
First Named Inventor	Martin BEER
Art Unit	1633
Examiner Name	M. Marvich
Attorney Docket Number	I-2002.014 US

## U. S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		WO 2002 066621 A1	08-29-2002	Franz X. Heinz		

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

**Complete if Known****Application Number** 10/524,210**Filing Date** August 12, 2003 (Int'l date)**First Named Inventor** Martin BEER**Art Unit** 1633**Examiner Name** M. Marvich**Attorney Docket Number** I-2002.014 US

Sheet

1

of

1

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		RUMENAPF, T. et al.: "Processing of the Envelope Glycoproteins of Pestiviruses" Journal of Virology, June 1993, 67:6, 3288-3294	

**Examiner  
Signature****Date  
Considered**

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